IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 505 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VASUDEVBHAI CHHOTALAL PATEL

Versus

STATE OF GUJARAT

Appearance:

MR BA SURTI for Petitioner

MR MA BUKHARI, ADDL. PUBLIC PROSECUTOR for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 22/08/2000

ORAL JUDGEMENT

Shri B.A. Surti, learned counsel for the revisionist, and Shri M.A. Bukhari, learned APP, for respondent no.1 have been heard. The impugned order

dated 3.10.1997 of Special Judge, Vadodara, under Essential Commodities Act has been examined.

2 The brief facts are that cognizance was taken by the Special Judge under the Essential Commodities Act, 1955, against the revisionist under Section 3 read with Section 7 of the Essential Commodities Act, 1955, through order dated 21.12.1995. Summons were ordered to be issued to the revisionist returnable on 17.1.1996. It appears that the revisionist moved an application before the Special Judge for dropping the proceedings under Section 3 read with Section 7 of the Essential Commodities Act, 1955. The said application was rejected by the Special Judge observing that there was prima facie evidence against the revisionist and hence there was no occasion for dropping the proceedings.

3 In short, the allegations against the revisionist were that he was running a petrol pump and at the time of surprise raid irregularities in maintenance of stock of petrol were found. Excess quantity of petrol was found in petrol pump. There was also allegation that there was difference in density of petrol and the allegation of adulteration in petrol was also made against the revisionist. Consequently, cognizance was taken against the revisionist through order dated 21.12.1995.

3 In the impugned order also the Special Judge has mentioned prima facie from the material on record that excess quantity of petrol was found as compared to entry in the stock register, etc. and that there was also prima facie evidence showing difference and variation in density of the petrol. As such since the Special Judge found prima facie evidence against the revisionist to proceed for violation of provisions u/s 3 of the Essential Commodities Act which are made punishable u/s of the said Act, he rejected the application of the revisionist. It is this order which is challenged in this revision.

4 After going through the reasonings given by the Special Judge on pages nos.24 and 25 of his order, I do not find that the Special Judge has committed any illegality in rejecting the application of the revisionist for dropping the proceedings against him. He made a specific observation that there is prima facie evidence against the revisionist to proceed for trial and he was justified in rejecting the application of the revisionist for dropping the proceedings under Section 3 read with Section 7 of the Essential Commodities Act, 1955. There is thus no merit in this revision. It

is therefore rejected. Interim order is vacated.

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